

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

)	
Application of)	
)	
Liberty-Bell Telecom, LLC)	
dba DISH Network Phone & Internet)	
)	
for a Certificate of Public Convenience and)	Docket No. _____
Necessity to Provide Competitive)	
Interexchange and Local Exchange)	
Telecommunications Services Throughout)	
the State of South Carolina and for)	
Alternative Regulation of its Interexchange)	
Offerings and for Flexible Regulation of its)	
Local Exchange Offerings)	
)	

**MOTION FOR PROTECTIVE TREATMENT AND
BASIS FOR FILING EXHIBIT D AS TRADE SECRET**

Introduction

Liberty-Bell Telecom, LLC dba DISH Network Phone & Internet (“DISH” or “Applicant files this *Motion for Protective Treatment* (“Motion”). By this Motion, the Applicant seeks protective treatment by the South Carolina Public Service Commission (“Commission”), of certain commercially-sensitive financial statements attached as ***Exhibit E***, filed as Trade Secret to the Application for Certificate of Public Convenience and Necessity for DISH to provide competitive, presubscribed local exchange and interexchange telecommunications services in the State of South Carolina and for Alternative Regulation (“Application”). This Motion is an inseparable part of the Application and it is being filed

concurrently. It is filed pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and all other applicable rules, statutes and regulations.

In support, the Applicant provides the following:

1. The exact legal name, address and telephone number of the Applicant is:

Liberty Bell Telecom, LLC dba DISH Network Phone & Internet
2460 West 26th Avenue, Suite #380-C
Denver, CO 80211
Telephone: 303.831-1977
Toll Free: 866.664.2355
Facsimile: 303.831.1988

2. Correspondence or communications regarding this Motion should be addressed to:

John J. Pringle, Jr.
Ellis, Lawhorne & Sims, P.A.
Post Office Box 2285
Columbia, South Carolina 29202-2285

Telephone: 803.343.1270
Facsimile: 803.799.8479
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with a copy to:

Andrew O. Isar
Miller Isar, Inc.
4423 Pint Fostic Drive, NW, Suite 306
Gig Harbor, Washington 98335
Telephone: 253.851.6700
Facsimile: 253.851.6474
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I. Description of Confidential Information.

3. The Application requires DISH to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement, the Applicant submits copies of its financial statements. These documents contain highly confidential and strictly proprietary

information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere.

II. Grounds for Claim of Confidentiality.

4. The Applicant is not required to prepare or submit projected financial statements, or any other financial information, to any public entity. As such, statements attached as *Exhibit E* to the Application are not readily available to persons external to DISH.¹

5. Because the projected financial statements submitted by DISH contain confidential and commercially-sensitive information from which its competitors may derive economic value, DISH seeks to protect such material from public disclosure. DISH derives independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and financing activities is unknown to its competitors. As such, the Company's financial statements are a "trade secret" as that term is used in South Carolina Trade Secrets Act. *S.C. Code Section 39-8-20(5)*. Given this fact, the disclosure of this information could provide existing and potential competitors, including incumbent and other competitive local exchange carriers and interexchange carriers in South Carolina, as well as in other states in which DISH provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. DISH clarifies herein that its request for protection applies only to the documents attached as *Exhibit E* to the Application. DISH is not seeking protection of any type for those reports DISH is required to file with the Office of Regulatory Staff ("ORS")

¹ Applicant's ultimate parent, DISH Networks, reported revenues of \$12.86 billion in 2010 and its annual reports and other financial reporting documents with the U.S. Securities and Exchange Commission are available at www.dish.client.shareholder.com/financials.cfm.

should the relief sought in the Application be granted including the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

CONCLUSION

7. The un-audited financial information included in support of DISH's Application, for which Confidential Treatment is sought, is both proprietary and competitively sensitive. The substantial and direct harm that could be caused to DISH as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required DISH to make this information available to the public. For all these reasons, the projected financial statements attached as ***Exhibit E*** to the Application should be protected from public disclosure by the Commission.

WHEREFORE, Liberty Bell Telecom, LLC dba DISH Network Phone & Internet respectfully request that the South Carolina Public Service Commission grant this Motion for Protective Treatment with respect to the audited financial statements attached as ***Exhibit E*** to the Application for Authority for DISH to provide competitive local exchange telecommunications services throughout the State of South Carolina and for Alternative Regulation and filed *under seal* as Confidential in this proceeding.

[signature page to follow]

s / John J. Pringle, Jr.

John J. Pringle, Jr.

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Regulatory Consultants to

Liberty-Bell Telecom, LLC dba DISH Network

Phone & Internet

September 1, 2011